



Entered on Docket  
October 03, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

Robert M. Charles, Jr. (NV 6593)  
John Hinderaker (AZ 018024)  
Marvin Ruth (NV 10979)  
3993 Howard Hughes Parkway, Ste. 600  
Las Vegas, Nevada 89169-5996  
Telephone (702) 949-8320  
Facsimile (702) 949-8321  
Email: [rcharles@lrlaw.com](mailto:rcharles@lrlaw.com)  
[jhinderaker@lrlaw.com](mailto:jhinderaker@lrlaw.com)  
[mruth@lrlaw.com](mailto:mruth@lrlaw.com)

*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

**USA COMMERCIAL MORTGAGE  
COMPANY,**

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Order Sustaining Second Omnibus  
Objection Of USACM Trust To Proofs Of  
Claim Based In Part Upon Investment In  
The Bundy Canyon (\$5 Million) Loan**

Hearing Date: August 30, 2011

Hearing Time: 10:30 a.m.

The Court having considered the "Second Omnibus Objection Of USACM Trust To Proofs Of Claim Based In Part Upon Investment in The Bundy Canyon (\$5 Million) Loan, [DE 8753] (the "Objection"); the Court having heard the Objection on August 30, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the partial disallowance of the Claims listed

1 on **Exhibit A** does not affect the direct lenders' right to repayment by the borrower or from  
2 the collateral securing the Bundy Canyon (\$5 Million) Loan; and good cause appearing:

3 **IT IS ORDERED** that:

- 4 1. The Objection [DE 8753] is sustained;
- 5 2. The claims listed on **Exhibit A** attached are 80% disallowed and 20%  
6 allowed to the extent those claims are based upon an investment in the Bundy Canyon (\$5  
7 Million) Loan; and
- 8 3. To the extent those claims are based upon an investment in a different  
9 loan(s) they are not affected by this Order.

10  
11 PREPARED AND RESPECTFULLY SUBMITTED BY:

12 **LEWIS AND ROCA LLP**

13  
14 By /s/ John Hinderaker (AZ #018024)

15 Robert M. Charles, Jr.

16 John Hinderaker (*pro hac vice*)

17 3993 Howard Hughes Parkway, Ste. 600

18 Las Vegas, Nevada 89169-5996

19 Telephone: (702) 949-8320

20 Facsimile: (702) 949-8321

21 *Attorneys for USACM Liquidating Trust*

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1 LOCAL RULE 9021 CERTIFICATION

2 In accordance with LR 9021, counsel submitting this document certifies that the order  
3 accurately reflects the court's ruling and that (check one):

4 \_\_\_\_\_ This Court has waived the requirement set forth in LR 9021(b)(1).

5 XXX No party appeared at the hearing or filed an objection to the motion.

6 \_\_\_\_\_ I have delivered a copy of this proposed order to all counsel who  
7 appeared at the hearing, and any unrepresented parties who appeared  
8 at the hearing, and each has approved or disapproved the order, or  
9 failed to respond, as indicated below [list each party and whether the  
10 party has approved, disapproved, or failed to respond to the  
11 document]:

12 Counsel appearing: \_\_\_\_\_

13 \_\_\_\_\_ I certify that this is a case under Chapter 7 or 13, that I have served a  
14 copy of this order with the motion pursuant to LR 9014(g), and that  
15 no party has objected to the form or content of the order

14 U.S. Trustee: <u>Augie Landis</u>	
15 <input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
16 <input checked="" type="checkbox"/> waived the right to review the 17 order and/or	<input type="checkbox"/> failed to respond to the document
18 Other Party: _____	
19 <input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
20 <input type="checkbox"/> waived the right to review the 21 order and/or	<input type="checkbox"/> failed to respond to the document

22 Submitted by:  
23 LEWIS AND ROCA LLP

24 By: /s/ John Hinderaker. (AZ #018024)  
25 Attorneys for USACM Liquidating Trust

26 # # #

**USACM Trust  
Bundy Canyon (\$5 Million) Loan  
Multiple Loan Claims**

<b>Claim</b>	<b>Name</b>	<b>Address</b>	<b>Total Claim Amount</b>	<b>Approximate Amount Subject to Objection Because it Relates to an Investment In the Bundy Canyon \$5,000,000 Loan</b>	<b>Amount Allowed</b>	<b>Amount Disallowed</b>
10725-00092	Corison, James	1427 Kearney Street St. Helena, CA 94574	1,023,000.00	98,000.00	19,600.00	78,400.00
10725-02030	Daniel D Newman Trust Dtd 11/1/92	C/O Daniel D Newman Trustee 125 Elysian Dr Sedona, AZ 86336	1,428,037.34	90,000.00	18,000.00	72,000.00
10725-02045	Dar Living Trust Dtd 2/12/03	Darlene Hammond Ttee 308 La Rue Ct Las Vegas, NV 89145	329,377.00	50,000.00	10,000.00	40,000.00
10725-02356	Denise F Fager Revocable Trust Uad 2/28/03	Denise F Fager Ttee 23741 Brisbane Bay Dana Point, CA 92629	1,327,564.06	100,000.00	20,000.00	80,000.00
10725-01921	Dobyne Living Trust	Robert S & Leah K Dobyne Ttees 3416 Cantura Bluff Ave North Las Vegas, NV 89031-3577	474,358.44	50,000.00	10,000.00	40,000.00
10725-01183	Karen Petersen Tyndall Trust Dtd 3/9/94	C/O Karen Petersen Tyndall Ttee 1012 Greystoke Acres St Las Vegas, NV 89145-8659	1,115,915.59	329,658.19	65,931.64	263,726.55
10725-01923	O'Riordan, John E & Sonhild A	2745 Hartwick Pines Dr Henderson, NV 89052-7002	3,476,504.52	350,000.00	70,000.00	280,000.00
10725-01367	Sinett, Sheldon	239 Harbor View Dr Port Washington, NY 11050	100,000.00	50,000.00	10,000.00	40,000.00
10725-01361	Sinett, Sheldon & Annette	239 Harbor View Dr Port Washington, NY 11050-4706	100,000.00	50,000.00	10,000.00	40,000.00
10725-02299	Zawacki A California Llc	Po Box 5156 Bear Valley, CA 95223-5156	3,000,000.00	189,000.00	37,800.00	151,200.00

**EXHIBIT A**